

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed August 8, 2006. Upon entry of the amendments in this response, claims 1 – 25 and 27 – 36 remain pending. In particular, Applicants amend claims 1, 19, and 36. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Claim 1 is Allowable Over *Ellis* in View of *TheStranger*, Further in View of *Imajima*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over WO 99/60790 ("*Ellis*") in view of Non-Patent Literature (NPL) reference www.thestranger.com (*TheStranger*), further in view of U.S. Patent Number 6,211,901 ("*Imajima*"). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Imajima* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A method for providing media services via an interactive media services client device coupled to a programmable media services server device, said method comprising:

providing a user with an interactive program guide (IPG), the IPG including a television program schedule with a plurality of scheduled programs, the plurality of scheduled programs including at least one currently scheduled television program, said currently scheduled television program being scheduled for broadcast to a plurality of users at a predetermined current time, and at least one scheduled future television program, said scheduled future television program being otherwise available only via a scheduled broadcast to a plurality of users at a predetermined later time, said ***IPG being configured to provide a user option to highlight at least one scheduled program*** in the television program schedule;

in response to a user highlighting said scheduled future television program, providing said user with an ***option to view the highlighted scheduled future television program at a user-defined time***;

receiving user input requesting said scheduled future television program for display at a user-defined time, wherein said user-defined

time is prior to said later time, and wherein said user input requesting said scheduled future television program for display at a user-defined time includes a request for beginning a display of the scheduled future television program at a time when said scheduled future television program is not scheduled to begin broadcasting to a plurality of users; and

providing said user with said scheduled future television program at said user-defined time. (*emphasis added*)

Applicants respectfully submit that claim 1, as amended, is allowable over the cited art for at least the reason that *Ellis* in view of *TheStranger*, further in view of *Imajima* fails to disclose, teach, or suggest a “method for providing media services via an interactive media services client device coupled to a programmable media services server device, said method comprising... providing a user with an interactive program guide (IPG)... said ***IPG being configured to provide a user option to highlight at least one scheduled program*** in the television program schedule... [and] ***in response to a user highlighting said scheduled future television program***, providing said user with an ***option to view the highlighted scheduled future television program at a user-defined time***” as recited in claim 1, as amended.

More specifically, Applicants submit that *Ellis* discloses a “Program Guide System with Video-On-Demand Browsing” (title). “If a video-on-demand program of interest is found, the viewer has several options. For example, the viewer may... 2) request the program...” (p. 25, line 10). “[I]f the selected program is ordered for a later time, the program guide may automatically start the program at that later time. Furthermore, the program guide may be configured to present a reminder screen... so that the viewer is reminded of the scheduled start-time. When this reminder is received, the viewer may be given the option to... watch the program immediately...” (p. 25, line 30). However, *Ellis* fails to disclose an ***“IPG being configured to provide a user option to highlight at least one scheduled program*** in the

television program schedule... [and] ***in response to a user highlighting said scheduled future television program***, providing said user with an ***option to view the highlighted scheduled future television program at a user-defined time***” as recited in claim 1, as amended.

Additionally, neither *TheStranger* nor *Imajima* disclose at least this element of claim 1, as amended. More specifically, *TheStranger* merely discloses *The Truman Show* next to the date of February 11. *TheStranger* not only fails to disclose anything related to an ***“IPG being configured to provide a user option to highlight at least one scheduled program*** in the television program schedule,” but *TheStranger* fails to disclose whether *The Truman Show* has aired the previous February 11, whether the author of *TheStranger* desires to view *The Truman Show* at this time, or anything related to claim 1, as amended. For at least this reason, *TheStranger* fails to overcome the deficiencies of *Ellis*.

Further, *Imajima* appears to disclose, at most, “an NVOD... [and] an FVOD” (column 1, line 30). Applicants respectfully submit that this does not overcome the deficiencies of *Ellis* and *TheStranger*. For at least the reason that the references, in combination, fail to disclose all of the claimed elements, claim 1, as amended, is allowable over the cited art.

II. Claim 19 is Allowable Over *Ellis* in View of *TheStranger*, Further in View of *Imajima*

The Office Action indicates that claim 19 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Ellis* in view of *TheStranger*, further in view of *Imajima*. Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Imajima* fails to disclose, teach, or suggest all of the elements of claim 19. More specifically, claim 19 recites:

A media services device for providing a client device with a media presentation, said device comprising:

logic configured to receive from a cable television system (CTS) a television program schedule with a plurality of scheduled programs, the plurality of scheduled programs including at least one currently scheduled television program, said currently scheduled television program being scheduled for broadcast to a plurality of users at a predetermined current time, said television program schedule including at least one scheduled future television program, said scheduled future television program being otherwise available only via a scheduled broadcast to a plurality of users at a predetermined later time;

logic configured to provide said client device with information related to an interactive program guide (IPG) that includes said television program schedule, said ***IPG being configured to provide a user option to highlight at least one scheduled television program*** in the program schedule;

logic configured to provide, ***in response to a user highlighting said scheduled future television program***, said client device with data related to a user option to ***provide said client device with said scheduled future television program at a user-defined time***; and

logic configured to provide said client device with said scheduled future television program at a user-defined time according to a received user input,

wherein said user-defined time is prior to said later time, and

wherein said received user input can include a request for beginning a display of the scheduled future television program at a time when said scheduled future television program is not scheduled to begin broadcasting to a plurality of users. (*emphasis added*)

Applicants respectfully submit that claim 19, as amended, is allowable over the cited art for at least the reason that *Ellis* in view of *TheStranger*, further in view of *Imajima* fails to disclose, teach, or suggest a “media services device for providing a client device with a media presentation, said device comprising... logic configured to provide said client device with information related to an interactive program guide (IPG)... said ***IPG being configured to provide a user option to highlight at least one scheduled television program*** in the program schedule... [and] logic configured to provide, ***in response to a user highlighting said scheduled future television program***, said client device with data related to a user option to

provide said client device with said scheduled future television program at a user-defined time” as recited in claim 19, as amended.

More specifically, Applicants submit that *Ellis* discloses a “Program Guide System with Video-On-Demand Browsing” (title). “If a video-on-demand program of interest is found, the viewer has several options. For example, the viewer may... 2) request the program...” (p. 25, line 10). “[I]f the selected program is ordered for a later time, the program guide may automatically start the program at that later time. Furthermore, the program guide may be configured to present a reminder screen... so that the viewer is reminded of the scheduled start-time. When this reminder is received, the viewer may be given the option to... watch the program immediately...” (p. 25, line 30). However, *Ellis* fails to disclose an “***IPG being configured to provide a user option to highlight at least one scheduled television program*** in the program schedule... [and] logic configured to provide, ***in response to a user highlighting said scheduled future television program***, said client device with data related to a user option to ***provide said client device with said scheduled future television program at a user-defined time***” as recited in claim 19, as amended.

Additionally, neither *TheStranger* nor *Imajima* disclose at least this element of claim 19, as amended. More specifically, *TheStranger* merely discloses *The Truman Show* next to the date of February 11. *TheStranger* not only fails to disclose anything related to an “***IPG being configured to provide a user option to highlight at least one scheduled television program*** in the program schedule,” but *TheStranger* fails to disclose whether *The Truman Show* has aired the previous February 11, whether the author of *TheStranger* desires to view *The Truman Show* at this time, or anything related to claim 19, as amended. For at least this reason, *TheStranger* fails to overcome the deficiencies of *Ellis*.

Further, *Imajima* appears to disclose, at most, “an NVOD... [and] an FVOD” (col. 1, line 30). Applicants respectfully submit that this does not overcome the deficiencies of *Ellis* and *TheStranger*. For at least the reason that the references, in combination, fail to disclose all of the claimed elements, claim 19, as amended, is allowable over the cited art.

III. Claim 36 is Allowable Over *Ellis* in View of *TheStranger*, Further in View of *Imajima*

The Office Action indicates that claim 36 stands rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over *Ellis* in view of *TheStranger*, further in view of *Imajima*. Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *Imajima* fails to disclose, teach, or suggest all of the elements of claim 36. More specifically, claim 36 recites:

A media services client device for providing a user with a media presentation, said device comprising:

logic configured to receive from a cable television system (CTS) a television program schedule with a plurality of scheduled television programs, the plurality of scheduled television programs including at least one currently scheduled television program, said currently scheduled television program being scheduled for broadcast to a plurality of users at a predetermined current time, and at least one scheduled future television program, said scheduled future television program being otherwise available only via a scheduled broadcast to a plurality of users at a predetermined later time;

logic configured to provide said user with an interactive program guide (IPG) configured to display the television program schedule, said IPG being further configured to ***provide a user option to highlight a scheduled television program in the program schedule;*** and

logic configured to provide, ***in response to a user highlighting said scheduled future television program***, said user ***with said scheduled future television program at a user-defined time***,

wherein said user-defined time is prior to said later time, and wherein said logic configured to provide said user with said scheduled future television program at a user-defined time includes logic configured to begin presentation of said scheduled future television program at a time when said scheduled future television

program is not scheduled to begin broadcasting to a plurality of users.
(emphasis added)

Applicants respectfully submit that claim 36, as amended, is allowable over the cited art for at least the reason that *Ellis* in view of *TheStranger*, further in view of *Imajima* fails to disclose, teach, or suggest a “media services client device for providing a user with a media presentation, said device comprising... logic configured to provide said user with an interactive program guide (IPG) configured to display the television program schedule, said IPG being further configured to *provide a user option to highlight a scheduled television program in the program schedule*... said *IPG being configured to provide a user option to highlight at least one scheduled television program* in the program schedule... [and] logic configured to provide, *in response to a user highlighting said scheduled future television program*, said user *with said scheduled future television program at a user-defined time*” as recited in claim 36, as amended.

More specifically, Applicants submit that *Ellis* discloses a “Program Guide System with Video-On-Demand Browsing” (title). “If a video-on-demand program of interest is found, the viewer has several options. For example, the viewer may... 2) request the program...” (p. 25, line 10). “[I]f the selected program is ordered for a later time, the program guide may automatically start the program at that later time. Furthermore, the program guide may be configured to present a reminder screen... so that the viewer is reminded of the scheduled start-time. When this reminder is received, the viewer may be given the option to... watch the program immediately...” (p. 25, line 30). However, *Ellis* fails to disclose an “logic configured to provide said user with an interactive program guide (IPG) configured to display the television program schedule, said IPG being further configured to *provide a user option to*

highlight a scheduled television program in the program schedule... said IPG being configured to provide a user option to highlight at least one scheduled television program in the program schedule... [and] logic configured to provide, in response to a user highlighting said scheduled future television program, said user with said scheduled future television program at a user-defined time” as recited in claim 36, as amended.

Additionally, neither *TheStranger* nor *Imajima* disclose at least this element of claim 36, as amended. More specifically, *TheStranger* merely discloses *The Truman Show* next to the date of February 11. *TheStranger* not only fails to disclose anything related to an “IPG being further configured to ***provide a user option to highlight a scheduled television program in the program schedule,***” but *TheStranger* fails to disclose whether *The Truman Show* has aired the previous February 11, whether the author of *TheStranger* desires to view *The Truman Show* at this time, or anything related to claim 36, as amended. For at least this reason, *TheStranger* fails to overcome the deficiencies of *Ellis*.

Further, *Imajima* appears to disclose, at most “an NVOD... [and] an FVOD” (col. 1, line 30). Applicants respectfully submit that this does not overcome the deficiencies of *Ellis* and *TheStranger*. For at least the reason that the references, in combination, fail to disclose all of the claimed elements, claim 36, as amended, is allowable over the cited art.

IV. Claims 3 – 4, 7 – 8, 10 – 12, 18, 20 – 21, 25, 28 – 29, and 35 are Allowable Over *Ellis* in View of *TheStranger*, Further in View of *Imajima*

The Office Action indicates that claims 3 – 4, 7 – 8, 10 – 12, 18, 20 – 21, 25, 28 – 29, and 35 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over WO 99/60790 (“*Ellis*”) in view of Non-Patent Literature (NPL) reference www.thestranger.com (*TheStranger*), further in view of U.S. Patent Number 6,211,901 (“*Imajima*”). Applicants respectfully traverse

this rejection for at least the reason that *Ellis* in view of *TheStranger*, further in view of *Imajima* fails to disclose, teach, or suggest all of the elements of claim 3 – 4, 7 – 8, 10 – 12, 18, 20 – 21, 25, 28 – 29, and 35. More specifically, dependent claims 3 – 4, 7 – 8, 10 – 12, and 18 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 20 – 21, 25, 28 – 29, and 35 are believed to be allowable for at least the reason that they depend from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

V. Claims 2 and 22 are Allowable Over *Ellis* in View of *TheStranger*, Further in View of *Imajima*, Further in View of *Kostreski*

The Office Action indicates that claims 2 and 22 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over WO 99/60790 (“*Ellis*”) in view of Non-Patent Literature (NPL) reference www.thestranger.com (*TheStranger*), further in view of U.S. Patent Number 6,211,901 (“*Imajima*”), and further in view of U.S. Patent Number 5,534,912 (“*Kostreski*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *TheStranger*, further in view of *Imajima*, and further in view of *Kostreski* fails to disclose, teach, or suggest all of the elements of claims 2 and 22. More specifically, dependent claim 2 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. Dependent claim 22 is believed to be allowable for at least the reason that it depends from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

VI. Claims 5 – 6 and 23 – 24 are Allowable Over *Ellis* in view of *TheStranger*, Further in View of *Imajima*, Further in View of *Matthews*

The Office Action indicates that claims 5 – 6 and 23 – 24 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over WO 99/60790 (“*Ellis*”) in view of Non-Patent Literature (NPL) reference www.thestranger.com (*TheStranger*), further in view of U.S. Patent Number 6,211,901 (“*Imajima*”), and further in view of U.S. Patent Number 5,815,145 (“*Matthews*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *TheStranger*, further in view of *Imajima*, and further in view of *Matthews* fails to disclose, teach, or suggest all of the elements of claims 5 – 6 and 23 – 24. More specifically, dependent claims 5 – 6 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claim 23 – 24 are believed to be allowable for at least the reason that they depend from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

VII. Claims 9, 15 – 17, 27, and 32 – 34 are Allowable Over *Ellis* in view of *TheStranger*, Further in View of *Imajima*, and Further in View of *Girard*

The Office Action indicates that claims 9, 15 – 17, 27, and 32 – 34 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over WO 99/60790 (“*Ellis*”) in view of Non-Patent Literature (NPL) reference www.thestranger.com (*TheStranger*), further in view of U.S. Patent Number 6,211,901 (“*Imajima*”), and further in view of U.S. Patent Number 5,751,282 (“*Girard*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *TheStranger*, further in view of *Imajima*, and further in view of *Girard* fails to disclose, teach, or suggest all of the elements of claims 9, 15 – 17, 27, and 32 – 34. More specifically, dependent claims 9 and 15 – 18 are believed to be allowable for at least the reason that these

claims depend from allowable independent claim 1. Dependent claims 27 and 32 – 34 are believed to be allowable for at least the reason that they depend from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

VIII. Claims 13 – 14 and 30 – 31 are Allowable Over *Ellis* in View of *TheStranger*, Further in View of *Imajima*, and Further in View of *Gordon*

The Office Action indicates that claims 13 – 14 and 30 – 31 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over WO 99/60790 (“*Ellis*”) in view of Non-Patent Literature (NPL) reference www.thestranger.com (*TheStranger*), in view of U.S. Patent Number 6,211,901 (“*Imajima*”), and further in view of U.S. Patent Number 5,682,597 (“*Gordon*”). Applicants respectfully traverse this rejection for at least the reason that *Ellis* in view of *TheStranger*, further in view of *Imajima*, and further in view of *Gordon* fails to disclose, teach, or suggest all of the elements of claims 13 – 14 and 30 – 31. More specifically, dependent claims 13 – 14 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claim 30 – 31 are believed to be allowable for at least the reason that they depend from allowable independent claim 19. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, Applicants respectfully traverse any and all new or restated findings of well-known art and Official Notice, or statements interpreted similarly. These elements should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions, as well as for at least the particular and specific reasons stated in previous responses.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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